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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,416	08/08/2000	Brig Bamum Elliott	99-466	4607
32127	7590	11/03/2004	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,416

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/8/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to communications filed on 6/15/2004, applicant amends claims 1, 8, and 13, and 14. The following claims 1-22 are presented for examination.

2. Applicant's arguments, pages 6-11, filed on 6/15/2004, with respect to the rejection of claims 1-11 and 13-19 have been fully considered as amended, but they are not persuasive. Applicant argues that Onodera does not teach a plurality of disk files as amended because Onodera is silent about how the random disks are stored. Examiner respectfully disagrees. It is inherent that the random numbers are stored in a disk as files. Onodera teaches storing "random numbers in a floppy disk available for a user to use" as a way for random number generators to provide random numbers to be used in a variety of applications ranging from personal computers to general use computers civil life applications including game machines, IC cards, purchase system using network interface, etc. (see for example columns 21 and 23). Onodera does not have to use the word file for any one skilled in the art to know that the data stored in the floppy disk is actual file in the floppy disk. In order to make it clear to the Applicant, a new ground of rejection is made in view of Aziz that discloses a random number stored in a file, for example (see column 2, lines 43-44).

Regarding claim 12, Applicant argues that Onodera only teaches a single noise source. Applicant respectfully disagrees. In prior art Onodera teaches conventional use of more than one noise source. The invention of Onodera is an improvement of the prior art to generate a plurality

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of bits from a single noise source rather than a single bit per noise source. Using more than one noise source from Onodera's invention to generate large number of bits to make it even more unpredictable does not depart from the scope and spirit of Onodera as long as one noise source can provide plurality of bits. Therefore Examiner changes t

Regarding claims 20-22, Applicant argues that Onodera fails to teach displaying of random numbers in a single window. Applicant relies on a single example of Onodera to support this argument. Onodera discloses that the invention can be applied to many uses as known in the art as mentioned above. One example disclosed by Onodera is transmitting random numbers through a network interface to remote user (columns 21-22). As mentioned in the Applicant's disclosure, "many variations can be made to the user interface screens that will be obvious to one skilled in the art". Microsoft WINDOWS applications that include control panels to change the layout of windows are very well known in the art. Onodera suggests "a display device using the random number generator, a display processor, and control panel are provided so that random numbers can be easily obtained and applied to various uses" (column 18, lines 40-46). The use of first and second window for displaying information about a random bit stream and a window manager (*control panel*) to control the layout of the first and second window would have been obvious to one skilled in the art. In addition, the cited art, Walker et al. in the first Office Action teaches windows for displaying information regarding random bit awaiting to be available to users, therefore claims 20-22 are rejected as an obviousness rejection in view of Onodera in combination with Walker and also as well known art. Examiner provides the Applicant with prior arts that support the well known concepts.

The claim limitations not challenged by Applicant still apply in this Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1 **Claims 1, 2, 8-10 and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,195,669 to **Onodera et al.** in view of US Patent 5,732,137 to **Aziz**.

3.2 **As per claims 1, 2, 8-10 and 13-14, Onodera et al.** substantially teaches a system having a random source adaptable for distributing a random bit stream over a network, said system comprising: an input interface coupled to the random source for receiving a random data stream from the random source and outputting the random bit stream (see column 5, lines 20-25); a processor for receiving the random bit stream from the input interface and outputting the random bit stream in a machine-readable form (see column 11, lines 47-55); a plurality of disks for saving random bits output from the processor, for example (see column 22, lines 20-61 through column 23, line 25; column 25, lines 1-45); a memory coupled to the processor for

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storing machine-readable instructions used by the processor for formatting the random bit stream into a machine-readable form (see column 22, lines 30-55 and column 25, lines 14-27); and a network connection coupled to the processor for making the random bit stream available to a network (see column 21, line 43 through column 22, line 5). **Onodera** discloses providing random numbers to users through a network interface and through disks or other portable storage device. **Aziz** in an analogous art teaches discloses a random number stored as a file, for example (see column 2, lines 43-48) to make available to a remote user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the random numbers as files and transmit them as requested by remote users in order to make them accessible to users through the network as suggested by **Aziz**.

As per claim 3, Onodera et al. discloses the limitation of wherein the processor for receiving the random bit stream comprises: a first processor; and a second processor communicatively coupled to said first processor (see column 11, lines 30-59).

As per claim 4, Onodera et al. discloses the limitation of wherein the first processor and second processor share said memory (see column 21, lines 43-45 and column 11, lines 30-59 and column 12, line 63 through column 13, line 4).

As per claim 5, Onodera et al. discloses the limitation of wherein the network connection communicates with an Internet protocol network (see column 2, lines 21-31 and column 25, lines 34-45).

As per claim 6, Onodera et al. discloses the limitation of using the invention in any network and general purpose computers that meets the recitation of wherein the network connection communicates with a wireless network; using a laptop computer for wireless communication does not depart from the spirit and scope of the invention disclosed by Onodera et al. (see column 2, lines 21-3, lines 48-51, and column 25, lines 34-45).

As per claim 15, Onodera et al. discloses the limitation of further comprising the step of processing the random bit stream to ensure that successive bits are unbiased (see column 18, lines 8-52 and column 24, lines 40-47). **Onodera et al.** discloses that one user can have control of the length of random bits generated and bits are generated by true random.

As per claim 19, Onodera et al. discloses the limitation of further comprising the step of: encapsulating the random bit stream (see column 23, line 1-3).

4. **Claims 7, 11, 16, 17, 18, and 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,195,669 to **Onodera et al.** in view of US Patent 5,732,137 to **Aziz** as applied to claims 1, 2, 8-10 and 13-14, and further in view of US Patent 6,684,333 to **Walker et al.**

4.1 **As per claim 7, Onodera et al.** substantially teaches the claimed system of claim 1 and further teaches the use of physical random numbers at low price over a network (see column 21,

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line 55 through column 22, line 5). **Onodera et al.** does not explicitly disclose storing accounting information about the random bit stream. However, **Walker et al.** in an analogous art teaches random codes with price stored in database (see column 8, lines 36-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above to provide an access management comprising a database to store accounting information about the random bit stream as taught by **Walker et al.** in order to provide a new and improved system for selling digital data. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Walker et al.** so as provide a new and improved system for selling digital data.

As per claims 11, 16, 17, and 18, **Onodera et al.** substantially teaches the claimed method of claims 8 and 12 and further teaches the use of physical random numbers at low price over a network (see column 21, line 55 through column 22, line 5). **Onodera et al.** does not explicitly disclose validating a user account prior to transmitting the random bits over the network. However, **Walker et al.** in an analogous art teaches the step of validation prior to transmitting digital data and confirming that the remote user has received and billed for the received digital data (see column 3, line 8 through column 9, line 4 see also column 9, lines 40-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method as combined above to validate a user account prior to transmitting the random bits over the network confirm that the remote user has received and billed for the received the distributable random bit stream as taught by **Walker et al.** in order to provide a new and improved system for selling digital data (column 2 lines 66-67). This

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modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Walker et al.** so as provide a new and improved system for selling digital data.

As per claims 20-22, **Onodera et al.** substantially teaches a system for making random numbers available to a remote user in digital form, the system comprising: a computer, a display device communicatively coupled to the computer, the display device comprising: means for displaying information about a random bit stream awaiting distribution over a network (see column 17, lines 55-65); means for displaying diagnostic information regarding the random bit stream (see column 18, lines 10-14); and control panel that meets the recitation of a window manager for controlling the layout of and communication of data to the first window and the second window while present for viewing on the display device (see column 17, line 55 through column 18, line 54). **Onodera et al.** discloses the limitation of further comprising: an input device (see column 21, lines 8-12). Onodera discloses that the invention can be applied to many uses as known in the art as mentioned above. One example disclosed by Onodera is transmitting random numbers through a network interface to remote user (columns 21-22). As mentioned in the Applicant's disclosure, "many variations can be made to the user interface screens that will be obvious to one skilled in the art". MICROSOFT WINDOWS applications provide many plurality of windows to display information at the same time and window manager (control panel) to change the layout of windows which are very well known in the art. Onodera suggests "a display device using the random number generator, a display processor, and control panel are provided so that random numbers can be easily obtained and applied to various uses", for

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example (see column 18, lines 40-46). (See also 6,456,984 to Demoff et al.). **Walker et al.** in an analogous art teaches windows for displaying information about random number distribution and dialog box, for communicating information to a remote computer for example (see column 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method as combined above to use more than one window to display information as known in the art and as taught by **Walker et al.** in order to make the program user friendly, which does not depart from the spirit and scope of the invention disclosed by **Onodera et al.**

5. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,195,669 to **Onodera et al.**

5.1 **As per claim 12, Onodera et al.** discloses a distributed system for the production and distribution of random bits, the distributed system comprising: a first random number source generating a first random data stream, a processor for receiving the random bit stream from the interface, and for formatting the random bit stream for distribution in a machine-readable form: a network connection coupled to the processor for making the machine-readable random bit stream available to a network: and a memory coupled to the processor for storing machine-readable instructions used by the processor to format the random bit stream for distribution to the network connection (see column 22, lines 37-55). **Onodera et al.** discloses in prior art the use of more than a single noise source that meets the recitation of a second random number source generating a second random data stream, an interface to the first random number source for receiving the

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first random data stream and the second random data stream, the interface outputting a random bit stream, for example (see column 2, lines 1-8) and further discloses a simplified method of generating a plurality of bits at one time as an improvement to the prior art. Therefore, it would have been obvious to one skilled in the art to use more than one noise source disclosed in Onodera's present invention to provide more bit values and/or generating bits that will make the random numbers even more unpredictable. For instance Liardet (US Patent 6,581,078) discloses a process of combining random noise sources (see column 4, lines 56-65).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses many of the claimed features such as more than one window for

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display and control layout, combining more than one noise source, saving random numbers as files, etc.

US Patents:	6,581,078	Liardet
	6,014,650	Zampese
	6,456,984	Demoff et al.

6.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cc

Carl Colin

Patent Examiner

October 30, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100